

RESOLUTION NO. 2004-____

RESOLUTION OF INTENTION
TO ANNEX PROPERTY TO
COMMUNITY FACILITIES DISTRICT

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

WHEREAS, in response to a petition (the “Petition”) submitted by CSHV Calabash, LLC (the “Owner”), as the sole owner of the privately-owned real property shown on an exhibit map attached to the Petition (the “Subject Property”), this Board proposes to annex the Subject Property to the existing community facilities district known as “Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), County of San Bernardino, State of California” (“CFD No. 2002-2”) as authorized by Article 3.5 of the Mello-Roos Community Facilities Act of 1982 (the “Act”); and

WHEREAS, the boundaries of CFD No. 2002-2 are set forth in the boundary map for CFD No. 2002-2, recorded on August 20, 2002, in Book 74 of Maps of Assessment and Community Facilities Districts, page 81, official records of the San Bernardino County Recorder; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled “Annexation Map No. 1” which is on file with the Clerk of this Board (the “Clerk”); and

WHEREAS, Sections 53339.2 and 53339.3 of the Act provides that legal proceedings for the annexation of property to a community facilities district pursuant to the Act shall be instituted by the adoption of a resolution of this Board declaring its intention as provided hereafter in this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board hereby finds and determines that public convenience and necessity require that the Subject Property be annexed to the existing territory of CFD No. 2002-2.

2. The types of services proposed to be provided within the Subject Property are the same as for the existing area of CFD No. 2002-2, namely fire protection services.

3. The plan for providing fire protection services within the existing area and the Subject Property shall be the plan presently in existence, as the same may be revised from time to time by the County of San Bernardino (the "County") or any agency of the County through which the County provides fire protection services.

4. Except where funds are otherwise available, a special tax will be annually levied on the Subject Property. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property included in the Subject Property, and this lien shall continue in force and effect in perpetuity or until the levy and collection of the special tax obligation by the County ceases. The rate and method of apportionment of the special tax shall be as previously established for CFD No. 2002-2.

5. On the basis of the written consent and waiver form submitted to and on file with the Clerk of this Board by the Owner, as the landowner of 100% of the Subject Property, this Board hereby sets this same date, as soon as the matter may be heard following adoption of this resolution, in the Board Chambers on the First Floor of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, California, as the time and place for the public hearing on the proposed annexation. At the hearing, testimony of all interested persons and

taxpayers for or against the proposed annexation will be heard and protests will be considered from both registered voters, if any, residing within CFD No. 2002-2 and persons owning real property within CFD No. 2002-2. As provided by the Act, written protests by a majority of the registered voters, if any, but including a minimum of six registered voters, or by the owners of a majority in area of the land within either the existing CFD No. 2002-2 or the proposed annexation area will constitute a “majority protest” and will require the suspension of proceedings for at least one year. Written protests must be filed with the Clerk at or before the time fixed for the hearing.

6. It is anticipated that the special tax will be billed as a separate line item on the regular property tax bill of the County of San Bernardino. However, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the County, including, but not limited to, direct billing by the County to the property owners and supplemental billing.

7. On the basis of the information set forth in that certain certificate entitled “Certificate re Registered Voters and Landowners,” on file with the Clerk of this Board, in the event that an election is held in these proceedings, it is the intention of this Board that the elector will be the Owner, as the sole landowner within the area of the Subject Property in accordance with Section 53339.7 of the Act.

8. This Board ratifies the publication by the Clerk of a notice of hearing, containing the matters specified by Section 53322 of the Act, one time in a newspaper in general circulation in the area of CFD No. 2002-2, said publication having occurred no later than seven days prior to the date of the public hearing.

* * * *

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: Board Members _____

NOES: Board Members _____

ABSENT: Board Members _____

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of _____, 2004, Item _____.

J. RENEE BASTIAN
Clerk of the Board

By: _____
Deputy